

Remarks

Claims 10, 13, and 14 have been amended for grammatical reasons. Claims 24-25 have been canceled without prejudice. Claims 18-23 remain in the application as withdrawn claims. Claims 26-35 are newly added.

Support for newly added claim 26 is found throughout the specification, such as, for example, on page 11, lines 14-26; page 12, lines 14-18; and Examples 15-17 bridging pages 19-21 of the specification. New claim 27 is supported at least by page 12, lines 14-18.

Support for new claims 28 and 29 is found at least on page 12, lines 20-25. New claim 30 is supported at least by page 11, lines 33-38. Support for new claim 31 is found at least on page 8, lines 5-12; page 8, line 28 to page 9, line 1; and page 9, lines 24-27. New claim 32 is found at least on page 9, lines 19-22. Support for new claim 33 is found at least on page 10, lines 7-15. New claim 34 is supported at least by page 10, lines 20-23. New claim 35 is supported at least by page 6, lines 38-39; page 7, lines 7-12; and page 7, lines 31-33. No question of new matter arises and entry of the above-requested amendments and new claims is respectfully requested.

Claims 1-17 and 26-35 are before the Examiner for consideration.

Restriction Requirement

The Examiner has required an election in the above-identified application as follows:

Group I, claims 1-17, drawn to a glass strand;

Group II, claims 18-20, drawn to a sizing composition; and

Group III, claims 21-23, drawn to a composite part.

Thus, the 23 claims have been separated into three separate groups. In response, Applicants hereby elect, with traverse, Group I, claims 1-17 for examination purposes only.

Applicants respectfully traverse on the grounds that the claims are to a certain extent coextensive, and if not coextensive, interrelated so as to allow examination in a single application. For example, it is submitted that the claims of Groups I and II should be examined together. Group I contains claims directed to a glass strand that includes the sizing composition according to the claims of Group II. Therefore, the claims of Groups I and II contain the same subject matter, namely, a sizing composition comprising film forming agents including (1) 50 to 80% of the total solids of at least one polyester, (2) 10 to 40% of the total solids of at least one polyvinyl acetate, and (3) 8 to 15% of the total solids of at least one polyurethane. It is respectfully submitted that no matter which of Group I or Group II is

elected, the Examiner would have to include in her examination prior art pertaining to both Groups I and II due to their interrelated subject matter, namely, the sizing composition.

Additionally, Applicants submit that Group III contains the sizing composition of Groups I and II. Furthermore, Group III contains only 3 claims. Therefore, Applicants submit that examination of all of the pending claims would not pose an undue burden on the Examiner. According to section 803 of the Manual of Patent and Examining Procedure, “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner *must* examine them on the merits, *even though they include claims to independent or distinct inventions* (emphasis added).” (*See Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 6, August 2007). As discussed above, it is respectfully submitted that Groups I and II should be examined together. Group III contains the sizing composition claimed in the claims of Groups I and II, and, as a result, contains subject matter interrelated to the subject matter of the claims of Groups I and II. Moreover, Group III contains only three claims. As such, it is respectfully submitted that it would not pose an undue burden on the Examiner to examine all of the claims pending in the application.

In view of the above, the restriction is believed to be improper and it is respectfully requested that it be withdrawn so that at least the claims of Groups I and II may be examined in a single application.

Conclusion

In light of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Date: December 24, 2009

/Kathryn W. Grant/
Kathryn W. Grant, Reg. #33238

Owens Corning
Patent Department, Bldg. 21-0
2790 Columbus Road
Granville, Ohio 43023
(740) 321-7213